

**REMARKS**

The Applicants thank the Examiner for the thorough consideration given the present application. Claims 1-19 are pending. Claims 1, 6, 7, 9 and 11 are amended, and claims 14-19 are added. Claims 1, 6, and 11 are independent. The Examiner is respectfully requested to reconsider the rejections in view of the amendments and remarks set forth herein.

**Rejections Under 35 U.S.C. §103(a)**

Claims 1-3, 6-8, and 11 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kaoru JP 01-077803) in view of Koichi et al. (JP 05-036851) in further view of Yamaha Hatsudoki (JP 62-94447).

Claim 11 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Kaoru JP 01-077803) in view of Yamaha Hatsudoki (JP 62-94447) in further view of Hodsdon (US Patent 4,972,051).

Claims 4 and 9 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kaoru JP 01-077803) in view of Koichi et al. (JP 05-036851) and Yamaha Hatsudoki (JP 62-94447) as applied to claims 3 and 8 above, and further in view of Schwerer (German Patent Application DE 4,233,721).

These rejections are respectfully traversed.

While not conceding the appropriateness of the Examiner's rejection, but merely to advance prosecution of the present application, independent claims 1 and 6 are amended herein to each recite a combination of elements in a vehicle communication apparatus, including a

helmet side infrared transmitter/receiver disposed in a cabinet extended forwardly from a jaw portion of the helmet and connected to the speaker and the microphone, and

a vehicle body side infrared transmitter/receiver disposed on a rear surface of a handlebar adjacent to the grip so that signals emitting from/to the transmitter/receiver pass directly over a shoulder of the operator of the vehicle to/from a jaw portion of a helmet of a rear passenger of the vehicle.

In addition, independent claim 11 is amended herein to recite a combination of elements in a vehicle communication apparatus, including a helmet side infrared ray transmitter/receiver disposed in a cabinet extended forwardly from a jaw portion of the helmet and connected to the speaker and the microphone.

Support for a helmet side infrared transmitter/receiver disposed in a cabinet extended forwardly from a jaw portion of the helmet and connected to the speaker and the microphone, and a vehicle body side infrared transmitter/receiver disposed on a rear surface of a handlebar adjacent to the grip so that signals emitting from/to the transmitter/receiver pass directly over a shoulder of the operator of the vehicle to/from a jaw portion of a helmet of a rear passenger of the vehicle, can be found in the specification, for example on page 6, line 15 to page 8, line 14.

See also FIGS. 1, 2, and 5.

Applicants respectfully submit that the combinations of elements as set forth in independent claim 1, 6, and 11 are not disclosed or made obvious by the prior art of record, including Kaoru, Koichi et al., Yamaha Hatsudoki, and Hodsdon.

For example, Kaoru FIGS. 1, 2, 4, and 7 merely disclose a transmitter/receiver mounted on the top of the helmet. Moreover, Koichi, Yamaha Hatsudoki, and Hodsdon are silent about a helmet. In addition, Allman (GB 2 103 043 A) cited in Office Action dated June 2, 2004, merely discloses a helmet with emitter 5 and receiver 6 held in position by a removable trim garniture 7 under the helmet. (See page 1, lines 118- 129, and FIG. 1) Both Kaoru and Allman fail to disclose a cabinet extending forwardly of a jaw portion of the helmet.

Applicants respectfully submit that the combination of elements as set forth in each of independent claims 1, 6, 11 are not disclosed or made obvious by any combination of the prior art of record, including Kaoru, Koichi et al., Yamaha Hatsudoki, and Hodsdon, at least for the reasons explained above. In addition, Allman fails to make up for the deficiencies of Kaoru, Koichi et al., Yamaha Hatsudoki, and Hodsdon.

Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

Therefore, claims 1, 6, and 11 are in condition for allowance.

The Examiner will note that dependent claims 7 and 9 are amended to correct minor informalities, and dependent claims 14-19 are added to set forth additional novel features of the present invention.

For example, added independent claims 14-17 set forth novel configurations of the light receiving/transmitting elements, the board, and the transparent lens in the cabinet.

It will become apparent that the cabinet achieves ease of assembly and protection for the board and the light receiving/transmitting elements which is not taught or suggested by any of the references cited by the Examiner.

Dependent claims 2-5, 7-10, and 12-19 are in condition for allowance due to their dependency from allowable independent claims, or due to the additional novel limitations set forth therein.

Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. §103(a) are respectfully requested.

**CONCLUSION**

Since the remaining patents cited by the Examiner have not been utilized to reject claims, but merely to show the state of the art, no comment need be made with respect thereto.

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. It is believed that a full and complete response has been made to the outstanding Office Action, and that the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, he is invited to telephone Carl T. Thomsen (Reg. No. 50,786) at (703) 205-8000.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for

Application No. 09/471,189  
Amendment dated November 12, 2004  
Reply to Office Action of August 12, 2004

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any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,

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